HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE P. SWAROOP REDDY

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WRIT PETITION No. 11290 OF 2002

DATE: 24.09.2007

Between:

News report published in
1) The New Indian Express English
Daily Newspaper & 2) Eenadu Telugu Daily
Dt.3-6-2002, published the news under the
Caption "Undertrial dies at Osmania Hospital
And "Lathi Debbale Athadi Pranam Thisaya".

..... PETITIONER

AND

The S.H.O., Alwal Police Station,
Alwal, Ranga Reddy District & 8 others.

.....RESPONDENTS

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HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION No. 11290 OF 2002

ORDER: (Per Hon'ble Sri Justice A. Gopal Reddy)

Basing upon news item published in The New Indian Express English Daily Newspaper stating that one Durgam Krishna, who was one of the accused in Kanajiguda murder case, died while he was under-trial prisoner in Cherlapally Jail, was taken up as Writ Petition and notices were issued to the respondents.

The Superintendent of Central Prison, Cherlapalli, 5th respondent herein and the Director General of Prisons, 7th respondent herein filed a common counter affidavit stating that the deceased Are Krishna, under-trial prisoner No.5427 was admitted into the Cherlapalli Jail on 18.5.2002 along with 24 others in connection with Crime No.197 of 2002 of P.S. Alwal, registered for the offence under Sections 147, 148, 302 r/w 149 IPC. When the said prisoner complained about his ill-health on 24.5.2002, he was sent to jail hospital and was kept under observation from 24.5.2002. On 25.5.2002 his general condition was better and had mild fever and till 27.5.2002 morning, his general condition was better. Since there is no improvement in his health condition, he was referred to Osmania General Hospital, where he was admitted as inpatient on 27.5.2002 for further expert opinion. While so, on 1.6.2002 the said prisoner died at about 9.20 p.m. Immediately, his relatives were informed about his death and wireless message was flashed to the National Human Rights Commission, New-Delhi and also Secretary to State Human Rights Commission. Inquest was conducted by the Revenue Divisional Officer, East Division, R.R.District on 2.6.2002 and post-mortem was conducted by the team of doctors on 3.6.2002.

The inquest report discloses that the relatives of deceased prisoner were present at the time of inquest and did not notice any injuries on the dead body. Further, in connection with the death of said Are Krishna a case was also registered in Crime No.248 of 2002, dated 2.6.2002 and therefore, the necessary reports including the post-mortem report, will be filed before

the competent Court having jurisdiction over the matter.

In view of the facts and circumstances of the case, no further orders need be passed in this writ petition. However, liberty is given to the relatives of the deceased to proceed in accordance with law, if they suspect that the deceased died due to torture while he was in jail.

The Writ Petition is accordingly closed. No costs.

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A. GOPAL REDDY, J.

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24th SEPTEMBER, 2007 P. SWAROOP REDDY, J.

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